



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
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DEC 17 2002

DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 3600

Paper No. 5

In re application of : **DECISION ON PETITION**  
Sajid Ali Mirza Khan et al. : **TO MAKE SPECIAL**  
Application No. 09/846,556 : **(INFRINGEMENT)**  
Filed: April 30, 2001 :  
For: DEBIT CARDS AND CREDIT CARDS :  
WITH WEEKLY LIMITS :

This is a decision on the renewed petition under 37 C.F.R §1.102(d) to make the above-identified application special that was filed on October 15, 2002.

The petition requests that the above-identified application be made special under the procedure set forth in MPEP 708.02, item II: Infringement.

MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(i); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market; (B) that a rigid comparison of the alleged infringing device or product with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed May 16, 2001 lacks requirement 2(B) and 2(C) above. In view of this deficiency, the petition is **DISMISSED**.

The petition fails to state that the required rigid comparison of the alleged infringing device or product with the claims of the application has been made, and that, in his opinion, some of the claims are unquestionably infringed.

The petition also lacks any mention of the prior art other than the bank flyer of the student access card. As pointed out above, the requirement is that the most closely related pieces of prior art (based upon a careful and thorough search of the prior art, unless the applicant has intimate knowledge of the prior art in the field of applicant's claimed invention) must be submitted. No such submission of prior art has yet been submitted.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Should petitioner desire reconsideration, he should supplement this petition by a declaration or statement giving the information as outlined above.

Applicant should promptly submit a renewed petition to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.



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snm: 12/15/02